

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) CRIMINAL NO. 05-30042 MLW
)
RICARDO DIAZ)

**DEFENDANT'S EX PARTE MOTION FOR FUNDS
FOR INVESTIGATOR**

Now comes the defendant herein and respectfully requests that this Court authorize the expenditure under the Criminal Justice Act of funds, not to exceed One thousand five hundred dollars (\$1500.00) at fifty-five dollars (\$55.00) per hour, for investigative services of a licensed private investigator to examine documents and interview witnesses in the above caption case.

The defendant states as his grounds for this request the following:

1. The defendant in this case is indigent, represented by counsel appointed under the Criminal Justice Act.
2. As a result of recently provided discovery and court documents, defense counsel has determined that identifiable witnesses should be interviewed if possible, including one locally-held inmate, and one or more individual involved in the dismissal of child support proceedings against government witness Julian Rios.
4. The contemplated investigation can more efficiently and economically be

carried out by a licensed private investigator.

5. In the event defense counsel learns that an additional witness held in federal custody in Florida is willing to be interviewed, and separate application for funds to carry out that aspect of the investigation will be made by counsel.
6. Defendant Cesar Cruz joins in this application, and will share in the results of the investigator's efforts.

Wherefore the defendant respectfully requests that the above-described relief be granted.

DATED: November 2, 2006

Respectfully submitted,
Ricardo Diaz, DEFENDANT

By: /s/Terry Scott Nagel
Terry Scott Nagel, Esq.
95 State Street, Suite 918
Springfield, MA 01103
(413) 731-8811
BBO#: 366430

**AFFIDAVIT IN SUPPORT OF
DEFENDANT'S EX PARTE MOTION FOR FUNDS
FOR INVESTIGATOR**

NOW comes the undersigned Terry Scott Nagel and says

1. My name is Terry Scott Nagel. I am a member of the bar of the Commonwealth of Massachusetts in good standing. I have defended over 40 persons charged with homicide. I have been a Criminal Justice Panel attorney for more than ten years.
2. The factual allegations in the foregoing motion are true and accurate to the best of my knowledge and belief.
3. I would engage the services of an investigator privately for this case if I were representing a defendant with sufficient funds to do so

Signed under the pains and penalties of perjury,

/s/Terry Scott Nagel
Terry Scott Nagel

Dated: November 2, 2006